

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

BRIAN N. DRAKE, )  
Petitioner, ) The Honorable Robert E. Keeton  
v. )  
UBS FINANCIAL SERVICES INC., )  
Respondent. )  
Case No. 04-11426 REK

**STIPULATION AND REQUEST FOR ORDER**

Petitioner Brian N. Drake ("Drake") and Respondent UBS Financial Services Inc. ("UBS"), for their Stipulation and Request for Order, reached after conferring pursuant to L.R. 7.1, hereby request an extension of time to and including January 5, 2005, for UBS to file its Response to Drake's Amended Motion to Vacate Arbitration Award Or, Alternatively, Request for Remand. In support of this Stipulation and Request for Order, the parties state as follows:

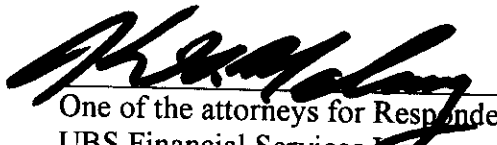
1. The parties have previously entered into a number of Stipulations and Requests for Order for Drake to have extensions of time to file an amended Complaint and Application (Motion) to Vacate – the most recent of these requesting an extension to October 8, 2004 for Drake to file his amended Complaint and Application (Motion) to Vacate.

2. Pacer reflects that Drake filed his Amended Motion to Vacate Arbitration Award Or, Alternatively, Request For Remand ("Amended Motion to Vacate") on October 8, 2004. Drake's Certification of Service attached to his Amended Motion to Vacate certifies to service upon respondent on September 7, 2004 via first class mail, postage prepaid.

3. On December 8, 2004, counsel for both parties conferred by telephone and agreed that UBS could have until January 5, 2005, to file its response to Drake's Amended Motion to Vacate. Chicago Counsel for UBS has had to deal with a number of unanticipated emergency matters this

past week that have precluded him from completing UBS's response, including a temporary restraining order hearing in Nashville the week of November 15, 2004, followed by a preliminary injunction hearing on November 22, 2004, travel to Pittsburgh for two days during the week of November 29, 2004, for another TRO hearing in Federal Court in a different matter. Attorney Ejzak is also preparing for an NASD hearing on the Nashville matter where he expects to be in Nashville December 12 to 14, 2004. Counsel for Brian Drake requested that the extension extend into January because he is out of the office at the end of December and wants to ensure that he has sufficient time to respond to the pleading, if necessary.

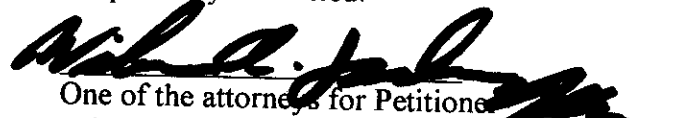
WHEREFORE, Petitioner Brian N. Drake and Respondent UBS Financial Services Inc. respectfully request that the Court enter an Order accepting this Stipulation and entering an order granting UBS an extension of time to and including January 5, 2005, to file its response to Drake's Amended Motion to Vacate Arbitration Award Or Alternatively, Request for Remand.

  
One of the attorneys for Respondent  
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Respectfully submitted:

  
One of the attorneys for Petitioner  
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**Certificate Of Service**

The undersigned hereby certifies that on December 8, 2004, he caused a copy of the foregoing Stipulation and Request for Order to be served upon:

William A. Jacobson  
Shanna L. Pitts  
Law Offices of William A. Jacobson, Inc.  
850 Turks Head Building  
Providence, Rhode Island 02903

by facsimile and placing true copies of same in a properly addressed, postage prepaid envelope and causing that envelope to be deposited in the United States Mail at 60 State Street, Boston, Massachusetts.

A handwritten signature in black ink, appearing to read "W. A. Jacobson", is written over a horizontal line.

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